



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-0001

DATE: 12/10/2018

SUBJECT: JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1) AGENCY/CONTRACTING ACTIVITY:

This justification for other than full and open competition is executed by the Office of Acquisition and Agreements Management (OAAM), Acquisition Management Division (AMD) of the National Institute of Standards and Technology (NIST), under the Department of Commerce, on behalf of the Office of Information System Management (OISM) of NIST.

2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

The purpose of this requirement is to obtain software licenses, and maintenance and technical support for the existing Maplesoft Software. The software is used by NIST for computation, visualization, and programming in support of NIST's mission. The requirement shall be issued as a firm fixed priced purchase order for a period of performance of one (1) year.

3) DESCRIPTION OF SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS:

Waterloo Maple, Inc. (doing business as Maplesoft Inc.) will provide the software licenses, and maintenance and technical support for the existing Maplesoft software utilized by NIST. The estimated value of this requirement [REDACTED]

4) IDENTIFICATION OF STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

Under the authority of the Federal Acquisition Regulation (FAR) 13.501(a) – Sole source (including brand name) acquisitions, in accordance with 41 U.S.C 1901, *Simplified Acquisition Procedures*.

5) DEMONSTRATION THAT PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY SITED

While the Maplesoft software is commercially available, Waterloo Maple, Inc. is the manufacturer and sole distributor of the software within the North American continent.

6) DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS PRACTICABLE

A notice of intent to sole source to Waterloo Maple, Inc. was posted to the NIST solicitation website on 11/28/2018, with a response date of 12/5/2018.

7) DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:

Price analysis will be performed and documented to ensure the price is fair and reasonable. Prices will be compared to historical pricing for the same services.

8) DESCRIPTION OF MARKET RESEARCH CONDUCTED

The market research provided by the program office included the incumbent (Waterloo Maple, Inc., contract # SB134118AE0001), and one (1) additional vendor. The contract specialist reviewed the potential suppliers on NASA SEWP and found one (1) foreign vendor available. Additionally, market research was conducted on GSA with no resources found that provided Maplesoft software. Additionally, the contract specialist contacted Waterloo Maple, Inc. to request a list of their authorized resellers/distributors of their software product and services. The sole source letter from Waterloo Maple, Inc. confirmed that they are the sole provider of their products and services in North America.

9) ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:

None

10) LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION

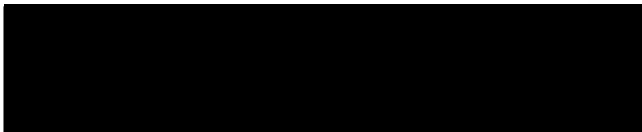
No responses were received from the posted noticed of intent.

11) STATEMENT OF ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE/OVERCOME ANY BARRIERS TO COMPETITION:

Due to the lack of authorized resellers/distributors, it would be unlikely that this barrier can be removed with the services for this software.

12) CONTRACING OFFICER'S CERTIFICATION:

I certify that the supporting data used to form the basis of this justification is complete and accurate to the best of my knowledge and belief.



12/11/18

Date

By signature on this justification for other than full and open competition, the Contracting Officer certifies that this justification is accurate and complete to the best of the Contracting Officer's knowledge and belief.



12/11/18

Date

Tiffany Johnson, Contracting Officer